

ULSTER TOWN BOARD MEETING
OCTOBER 16, 2006 AT 7:00 PM

CALLED TO ORDER BY SUPERVISOR WOERNER, CHAIRMAN at 7:00 PM

SALUTE TO THE FLAG

ROLL CALL BY CLERK

TOWN COUNCILMAN CRAIG ARTIST
TOWN COUNCILMAN DAVID BRINK
TOWN COUNCILMAN JOEL B. BRINK
TOWN COUNCILMAN ROCCO SECRETO
SUPERVISOR NICKY B. WOERNER

COMMUNICATIONS

Supervisor Woerner announced that he had received a letter from Senator John Bonacic stating that the NY State Senate had approved \$50,000 for the Town Police to purchase vehicles.

COMMITTEE REPORTS

Councilman Joel B. Brink reported from the Personnel Committee that the part-time job at the Transfer Station had been posted. There were interviews and more interviews underway.

Councilman David Brink reported that the Comprehensive Planning Committee had sent out one thousand surveys to the residents at random. They are planning to have a public hearing set for November 21, 2006.

Mary Lou Christiana, Special Council for the Town for the Chambers Housing Phase II, reported that the project doesn't need to go before the Zoning Board of Appeals. She reported that the Senior Housing project does include a normal and customary service to the seniors and would require a Special Use permit. It is not a nursing home, not assisted living. Therefore, it does not need to go to the Zoning Board of Appeals. There was a question of density. The project is within its requirements. They are not sub-dividing into two acres. If they come back with more housing, they will have to address the zoning at that time.

Councilman Secreto reported from the Finance Committee, that the abstract was reviewed and he thanked all the people who participated.

Councilman Secreto reported from the Highway Committee, that the leaf pick-up schedule will be available soon. Paper bags need to be used instead of plastic. Leaves can still be raked to the roadside. The bags cost \$2.00 for five and will be available at the Town Clerk's Office, Highway Department and the Transfer Station. He also reported that a salt shed was installed at the Highway Garage for the Kingston School District.

Councilman Joel B. Brink excused Waste Water superintendent, Corey Halwick as he was unable to attend.

Councilman Secreto announced that the Halloween Curfew will be 7:00 PM this year.

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Councilman Artist reported that the Biddy Basketball League was formed and that the only complaint received was that the children don't get to play long enough.

Councilman Secreto reported that there are 105 children involved. There are 12 teams and 16 paying sponsors. He thanked Stu Spolgeric from WKNY, WGHQ, the Freeman, the Kingston Times, and the VFW.

DEPARTMENT HEAD REPORTS

Assessor's Office – Mr. James Maloney, the Town Assessor, reported that the enhanced STAR forms have been sent out. The STAR rebates check will be sent out soon. He, Nancy France, and Frank Petramale have received training on working with the town trimble geo explorer unit. The Highway's database is being aligned with the GIS. The paperwork has been submitted for the Phase II flood mitigation plan.

Building Department – The monthly report was read by the Town Supervisor.

Town Clerk – Read the monthly clerk report.

Highway Department - The monthly Highway report was read. Paving is moving along.

Water Department – The monthly report was read. All the fire hydrants were flushed.

Waste Water Department – Waste Water Superintendent Halwick was excused due to another obligation. Supervisor Woerner reported that everything is running satisfactorily.

Police Department- The monthly report was read. Police Chief Watzka reported that the police will have Children's Day at the Credit Union Day and Adam's Fall Festival.

Supervisor Woerner thanked the police department for their investigative work on solving the recent murders.

APPROVAL OF MINUTES FROM PREVIOUS MEETING

Supervisor Woerner motioned to approve the minutes of September 5, 2006 and September 18, 2006.

2nd by Councilman Joel B. Brink
All Ayes

Councilman Joel B. Brink motioned to approve the following:

ABSTRACT OF CLAIMS

October-06 FUND	ABSTRACT CLAIM #	AMOUNT
UTILITIES		
GENERAL	1001-1028	6,389.73
ULSTER WATER	1001-1006a	7,176.21
HALCYON PK. WATER	1001	426.99
SPRING LAKE WATER	1001-1004	221.83
BRIGHT ACRES WATER	1001-	242.24
GLENERIE WATER	1001	16.00
WHITTIER SEWER	1001-1002	92.46
ULSTER SEWER	1001-1002	199.38

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SPECIAL LIGHT	1001-1006	3,170.43
ALL OTHERS		
GENERAL	1001-10131	92,691.49
HIGHWAY	1001-1023	95,432.68
WHITTIER SEWER	1001-1005	735.00
ULSTER SEWER	1001-1033	93,533.06
ULSTER WATER	1001-1024	56,345.18
HALCYON PK. WATER	1001-1005	1,339.00
SPRING LAKE WATER	1001-1003	324.00
BRIGHT ACRES WATER	1001-1004	580.00
CHERRY HILL WATER	1001-1003	5,799.27
GLENERIE WATER	1001-1003	2,516.00
INSURANCE (ALL FUNDS)	1001-1017	92,599.39
CAPITAL PROJECTS		
TRUST & AGENCY	1001-1016	15,370.83
GLENERIE WATER	1001	98,973.57
EAST KINGSTON WATER	1001-1005	251,504.35
WASHINGTON AVE. SEWER	1001-1003	9,145.75
GLENERIE WATER LATERALS	1001-1011	29,862.00
ULSTER WATER CAP. PROJ.	1001-1005	20,196.78
	TOTAL	\$ 884,883.62

2nd by Councilman Secreto
A Roll Call Vote was taken – All Ayes

Proposed formation of an Economic Development Committee.

Supervisor Woerner recommended that the Town form an Economic Development Committee that would consist of the Town Supervisor as chairman, two town employees, one planning board member and three citizens of the Town of Ulster. In the absence of the Supervisor, the deputy supervisor shall chair and have a casting vote. The committee shall make its own rules, except in regard to the chair. The terms of the members are set at the pleasure of the Town Board. The committee will chart their own course in regard to how they want to attract what they feel is needed here in the Town of Ulster.

Councilman David Brink motioned to adopt and accept the formation of an Economic Development Committee as submitted

2nd by Councilman Secreto
A Roll Call Vote – All Ayes

Supervisor Woerner announced that letters of interest for the new committee would be accepted for the position no later than October 31, 2006.

Findings Statement for the Sottile Boulevard Extension.

Dan Shuster, the town planner, stated that the town has done a substantial review of the environmental impact that the proposed project would have on the town as well as the benefits. Numerous studies were done for a variety of roadways and options were reviewed. The NY

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DOT wanted the town to build a bridge from Sottile Blvd. to 9W. After extensive consulting with the NY DOT, they approved to extending Route 199 with a full interchange to Sottile Blvd. This was approved because of the benefit of having 25% of the cost with 80% benefit. The Town needs to approve the finding statement to draw the final conclusion that will be forwarded to the NY DOT for final approval. This will conclude the SEQR process.

Supervisor Woerner suggested Mr. Shuster prepare a resolution for the November 6, 2006 meeting.

Councilman Joel Brink inquired about the funding for the project.

Mr. Shuster stated that the funding for the project should be available to 2007. The funds can be secured once the process is in motion, meaning once DOT approves the project and authorizes the preliminary designs.

Supervisor Woerner read and motioned the following:

TOWN BOARD RESOLUTION

Extension # 2 of Spring Lake Water District Town of Ulster

Whereas; The Spring Lake Water District has an available supply of water which is purchased from the City of Kingston; and

Whereas; a property owner, Ellie Glynn of 43 Hillside Terrace, has requested to be included in the District; and

Whereas; the property owner has agreed to pay all expenses associated with the Extension; and

Whereas; the property abuts the Spring Lake Water District Extension No.1 which was approved in 1997, and

Whereas; a map of the proposed "Spring Lake Water District Extension No. 2", dated September 2006, has been prepared by a licensed professional engineer, and

Whereas; the proposed action is an unlisted action under the State Environmental Quality Review Act and the Town Board has considered the potential environmental impacts of the proposed action.

Therefore, be it resolved by the Town Board as follows:

- 1) The action will not have a significant effect on the environment and an environmental impact statement will not be required.
- 2) Extension No. 2 to the Spring Lake Water District, as shown on "Map of Spring Lake Water District Extension No. 2", as prepared by Brinnier and Larios, P.C. of Kingston, New York and dated September 2006 is hereby approved.

2nd by Councilman Joel B. Brink

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Four Ayes – Councilman Secreto abstained from voting due to a relative being associated with a property.

Public Hearing: 7:45 PM for a Special Permit for Landing Woods, a 130 unit town house project on Route 32.

A representative of the Landing Woods gave a brief presentation of the Landing Woods project. The project is before the Town Board for a special use permit to allow attached housing which is the focus of this hearing. The project has been to the Planning Board, gone through a number of design and environmental reviews. A Negative Declaration is pending before the Town Planning Board. If and when the special use permit is approved, this will go before the Planning Board for further planning and zoning procedures.

Another representative submitted a water report to the Town Planner. The report indicated that the area provided redundant water capacity for the project. The quality of the water is good. This document will be presented to the Ulster County Board of Health. The project is set up as town homes / condominiums. One hundred and thirty houses are planned; 98 of them will be two bed rooms and 32 will be three bedrooms. About one third of the property will be used for the project. There will be a lot of green space. There is an archeological site on the property called the Oster House that was built around the 1880's. The foundation is all that remains and has little significance. This area will not be touched. There are three small wetlands on the property. They are not recognized by the State or the Federal Government. There will be a buffer around them so they are not disturbed. The layout of the project has been revised a number of times. They want to put in a recreation area/bike and walking path away from the homes. It will be landscaped and will be park-like. There will be a water retention pond that will keep the water on site and in the area. This is what the DEC wants. The project has size and character similar to the area. This is not rental property. There will be sidewalks along the roads. There is a modified entrance from Route 32. There is no traffic impact. The houses built will be similar to the height of the newer houses built in Deer Run. The land has been used for the last 150 years. People have dumped their trash and yard waste there. There has been digging, ATV trails, and hunting blinds found on the property.

Andrew Zweben, the Town Attorney, stated that the concern of this hearing is if the Town Board should issue a special use permit to allow attached housing. The other issues, while still pertinent, are standing before the Town Planning Board

Supervisor Woerner submitted a letter from Francis Kucharik for the record.

Don Glass from Kingsvale Water Company stated that the expansion of the water district is good because it allows his company to expand and the increase in revenues can increase improvements and lower water costs for customers.

Ron Lynn – Is not happy with the water quality of the Kingsvale Water Company. They had to truck in water a few years ago due to a drought. There is not enough water in the area to support more housing. It will make it worse. The Town needs to improve the notification process, as putting it in the newspaper is not enough.

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Sheldon Potolsky – Is against the project because he lives on Meadowbrook Lane, a deadend street. He enjoys the safety that the deadend street provides for his deaf and autistic children. He is worried about the increase in traffic for the project.

JonPaul Grett – Feels the project was not in character with the area.

David Vandewater – The project is too big for the area. Feels the entrance should be on route 32 and not have the entrance through Whittier. He is concerned about the increase in traffic.

Edward Ortlieb – submitted a letter for the record.

Tim Voerg – Is concerned about the impact the project will have on the Saugerties School district. It was stated that the current elementary schools are overcrowded and this project will affect that. His second concern is with the well water. This project will take water away from the current residents. Because of the Whittier Sewer Plant, the water drawn is not returned.

Charles Phillips Sr. – He is concerned because a fire truck has to be hooked up to flush the hydrants in the area. When it rains the phone system goes down. He is also concerned that the current sewer system will not be able to handle the project.

Wayel Alsbineti – Would like to know how the project will affect the school system; if there will be more children than there is capacity.

Denise McIlasky – Stated that he enjoys the safety that the dead end side of Meadowbrook Drive offers to his family and is concerned about the traffic that will be incurred by the project being connected to the street. There needs to be proper drainage on the project. He is opposed to the project and feels we need better notice for the hearing.

Trudy Lee – inquired what the special permit is for?

Andrew Zweben, the Town Attorney, explained that the special permit is for the purpose of allowing attached housing for the project consisting of two, four, six and eight units.

Laurie Fadil – Who maintains the grounds? Is concerned about the traffic impact on the area.

Developer Representative – Owners will be responsible. This will be enforced through the home owner association and deed restrictions.

Mr. Shuster stated that the main entrance will be off of Route 32 and will have little impact.

Brett Kroff – He lives off of Flatbush Road and is concerned about the project's effect on the water quantity available to the other residents.

John McCormack – Is concerned about the population density effect on the area for traffic, taxes, litter and mosquitoes from the retention ponds being proposed.

Supervisor Woerner stated that the concern about water is out of the town's hands as the Department of Health and the DEC have to approve it. All the comments will be forwarded to the appropriate agency.

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John Bernato – Stated that the current infrastructure, the water and sewer, is not sufficient to support the project.

James Maloney, Town Assessor – Inquired if this is condominiums being approved by the Attorney General.

Developer - This is not condominiums. This will be a home owner association.

Cindy Crowley - Had reviewed the application and thought it to be problematic. Would like the project to be done correctly with minimum impact on the environment. Requested that the Town Board use independent consultants to review the project, deny the special use permit, and declare a positive declaration.

Roger GJones – Is on retainer by the Flatbush Neighborhood Coalition. He recommended a positive declaration. The land has poor hydraulic soil. He is concerned about the enforcement of the Home Owners Association Agreement as the town may be responsible for enforcing the rules.

A letter from Clearwater, Inc. was submitted.

Laurie Fadil – She expressed concern that not a lot of money is spent on the development of the water system.

Mr. Gallagher – Expressed concern about the storm water drainage. Ask the board to visit Deer Run Road to see for themselves.

Bill McDermott – A representative from the East Kingston Fire Department, requested that the water and pressure tanks be enlarged for fire protection purposes.

Supervisor Woerner asked the Fire Department to submit the request in writing to the Town Planning Board.

Jerry Every – Expressed concern about the buffer zone. He would like a nice landscape tree design. He lives near the property and there is a lot of water in the area because of the clay and is concerned about the drainage and runoff. He feels it will be hard to get onto Route 32 from the site.

A Gentleman from the Audience – Opposed the development from an environmental viewpoint. He spotted 14 rare plants and 11 animal species. What will happen to this population when the development is built?

Supervisor Woerner stated that no action would be taken on the special permit until all the information is reviewed by the Town Planning Board and the Town Board.

Supervisor Woerner motioned to close the public hearing at 9:15 PM

2nd by Councilman Joel B. Brink

All Ayes

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Councilman Artist motioned to approve the following:

BUDGET MODIFICATIONS:

General Fund :	Modify appropriation A7140.200 (Equipment) to be funded through A5110 (Approp.Reserve) from the Recreation Equipment Reserve to purchase Basketball equipment from Collegiate Pacific	\$4,119.98
General Fund :	Modify Revenue A2705 (Gifts & Donations) and Appropriation A3120.440 (Car Seat Grant) donation from Eileen Kamrass	\$10.00
General Fund :	Modify Revenue A1270 (Shared Serv. Chrgs.) and Appropriation A3120.101 (O.T. Wages) Special Task Force O.T. reimbursement by Hudson Valley Mall	\$4,282.35
General Fund :	Modify Revenue A3089 (St. Aid, Other Gen.Aid) and Appropriation A7110.427 (Handicap Fish. Platform) Grant #T302736 from NYS Environmental Conservation Phase I, Rider Park	\$931.55
General Fund :	Modify Appropriation A9901.900 (Interfund Transfer) to be funded through A5990 (Approp. Fund Bal.) for advance to Spec. Dist. : Ulster Hose #5-\$25,683.18, Library-\$6,219.08 Albany Ave. Light.-\$1,977.56 to make payment to Ulster Co. Treasurer for PCK Chargeback for 1999-2002	\$33,879.82
Special Dist.:	Modify Revenue: SSF-5031 Interfund Transfer	\$25,683.18
Fire Lighting	Modify Approp.: SSF-1930.400 Ulster Hose #5	\$25,683.18
Library	Modify Revenue : SLL-5031 Interfund Transfer	\$6,219.08
	Modify Approp.: SLL-1930.400 Library	\$6,219.08
	Modify Revenue : SSL-5031 Interfund Transfer	\$1,977.56
	Modify Approp.: SSL-1930.400 Albany Ave. Light.	\$1,977.56

To make payment to Ulster Co. Treasurer For PCK Chargeback for 1999-2002

Ulster Water	Modify Appropriation SW1-1930.400 (Judgement & Claims) to be funded through SW1-5990 (Approp. Fund Bal.) for payment to Ulster Co. Treasurer for PCK Chargeback for 1999-2002	\$12,484.89
Ulster Sewer:	Modify Appropriation SS2-1930.400 (Judgement & Claims) to be funded through SS2 -5900 Approp.Fund Bal. for payment to Ulster Co. Treasurer for PCK Chargeback for 1999-2002	\$40,130.28
Ulster Sewer:	Modify Appropriation SS2-8130.400 (Plant Improvement) to be funded through SS2-5110 (Appropriated Reserve) engineering expenses for installation 3rd blower and pre-engineered building to Brinnier & Larios \$2,393.75 and \$1,462.50, to Arold Paving \$66,21.65 for furnishing and installing retrofit drives and Harkins Mechanical & Constr. \$62,700.00 furnishing and installing air blower and pre-engineered building	\$132,777.90

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General Fund :	Modify Revenue A1270 (Shared Services) and Appropriation A3120.100 (Wages) Reimbursement for Officer Sinagra working with the UL.Co. Family Violence Investigative Unit	\$58,084.97
Glenerie Water:	Modify Appropriation SW6-9950.900 (Transfer-Capital Project) to be funded through SW6-5110 (Approp. Reserve) approp. Interest earned on BAN for construction costs in capital project fund	\$24,000.00
Glenerie Water Capital Proj.	Modify Revenue HGW-5031 (Interfund Transfer) and Appropriation HGW-8130.200 (Construction) funds transferred from Operating fund for construction costs to Grant Street Construction	\$20,263.00
Glenerie Water Capital Proj.	Modify Revenue HGW-5031 (Interfund Transfer) and Appropriation HGW-8130.200 (Construction) to appropriate interest earned on BAN for construction costs to Grant Street Construction	\$24,000.00
General Fund:	Modify Revenue A3089 (other General Aid) and Appropriation A1410.200 (Equip. Grant) Town Clerk State Equipment Grant #TM05789	\$9,000.00
General Fund :	Modify Revenue A1270 (Shared Serv. Chargs.) and Appropriation A3120.101 (O.T. Wages) Special Task Force O.T. reimbursement from Hudson Valley Mall	\$873.80

2nd by Councilman Joel B. Brink
A Roll Call Vote was taken – All Ayes

Mr. Reno Budziak requested a copy of the attorney's opinion on the Chambers Housing Project in regard to the zoning.

Frank Almquist inquired about the Town installing a traffic light at the intersection of Leggs Mills Road and Neighborhood Road.
Supervisor Woerner stated that there is a grant request pending for that project.

Supervisor Woerner motioned to enter into executive session at 9:28 PM for the purpose of discussing pending litigation in regard to the East Kingston Water District
2nd by Councilman Artist
All Ayes

Executive session was recessed at 10:00 PM

Councilman Artist motioned to adjourn the meeting at 10:01 PM
2nd by Councilman Joel B. Brink
All Ayes

Respectfully Submitted by
Jason Cosenza, RM, FHCO
Ulster Town Clerk

October 15, 2006

Dear Town of Ulster, Town Board:

My name is Tim Voerg. I live at 1262 Flatbush Road, Kingston, New York.

I have two concerns with this project. My first concern is with the School District Report. The Report states that the estimated number of children from this project will have no effect or impact on the Saugerties School District. When in fact the Superintendent Richard Rhau, the Assistant Superintendent Cheryl Nuciforo, all four elementary school principals, and the Director of Elementary Operations, Joe Fondino, all stated that Riccardi Elementary is overcrowded. Beginning this year, the children of Whittier, Deer Run and Route 32 have all been redistricted to Mt. Marion Elementary School. The school is either overcrowded or it's not. It can't be both. Either way, the report is now obsolete because the children from this area are now going to Mt. Marion Elementary School instead of Riccardi Elementary School. A new report needs to be done on the correct school. My second concern is with well water. The Chazen Report states that Landing Woods will consume 38,000 gallons a day. That's a lot of water. Whittier and Deer Run already draw their water from that area, and because of the sewage treatment plant, none of the water drawn ever gets recycled

From: Francis Kucharik
42 Greenbrook Lane
Kingston, NY 12401

October 12, 2006

To: Mr. Woerner, Town Supervisor, and Town of Ulster Town Board
1 Town Hall Drive
Lake Katrine, NY 12449

Subject: *Landing Woods* Proposed Development

Mr. Woerner and Town Board,

I am a property owner in the Whittier Development, and my property is adjacent to the proposed project. In reviewing the documentation at the Planning Department for this project, I have major concerns regarding the Density Calculations being used as a basis for the number of units being proposed for this development. Supporting documentation that is required by NYS Town Law is missing, which leads to my belief that the density calculations are incorrect, resulting in too many proposed units.

The Introduction section in the document titled "Teicher Organization – Ulster Properties, Attached Dwelling Layout" contains a simple calculation based on the total square footage of the property, divided by lot size:

"the maximum number of single-family dwellings based on a minimum lot area of 15,000 s.f. is 91 units for the 31.43 (+/-) acre site (1,369,090 s.f.)."

Based on this number (91 equivalent single-family dwellings), it then goes on to apply the density calculations, based on the number of bedrooms in the proposed units, to arrive at the count of 130 attached dwellings in the proposal. These secondary calculations seem to have been applied correctly, but I believe the base number of 91 is wrong.

NYS Town Law indicates that the base calculation is not a simple matter of dividing the total site acreage by the minimum lot size. Documentation from the Town Planning Board ("Application Review – New Business", dated July 14, 2006) acknowledges that the town zoning law, "references the enabling state laws on "cluster" subdivision (§278 of NYS Town Law)", but documentation required by this law has not been filed.

Specifically, in §278 of NYS Town Law, the section titled "Density Calculation" states:

"A conventional subdivision layout is required in order to determine the density for a cluster development." (Court case references omitted). "The proposed plat must result in a standard layout that, consistent with applicable zoning regulations and practical considerations, could be approved by a planning board. Therefore, the conventional plat must depict lots which comply with all requirements of the zoning law and must consider environmental constraints on development as well as roads, parks and other attributes which would reduce the development yield of the property."

So the basis for the density calculation must come from a "conventional subdivision layout", i.e. a plat map showing normal-sized lots (as if building regular single-family dwellings) that not only conform to the R-10 zoning regulations, but can be shown to fit within the borders of the property in question. In addition to the conventional lots, the map must also show applicable "roads, parks and other attributes which would reduce the development yield of the property", which would include the acreage needed for the required Detention Area for the storm water system. For their base value of 91 units to be valid, a conventional plat map is required by law that shows how 91 standard R-10 zoned lots can be placed upon the property in question with the required detention area and proper roads for accessing each standard-sized lot. No such plat map is included in the documentation on file at the Planning Department. I believe that such a map showing 91 standard lots cannot be produced for the property in question, and that the actual number of standard lots will be much less when roads and other factors are considered. This lesser number is what the law says must be used as a basis for the density calculation, which will produce a smaller number of attached or "cluster" dwellings.

So as you can see, not only is documentation that is required by NYS Town Law missing for this project, but using the total acreage of the property as a basis for the density calculation is wrong. The acreage value must be reduced at least by the acreage required for roads and the detention area before doing the density calculations. Other density calculations on file for similar projects in the town also reduce the total acreage for areas that cannot be developed, such as wetland areas. The property for this project includes both wetlands and an area of historic and archaeological interest.

I understand the desire for development and increased tax revenue for our town, but I am also asking you to ensure that this project meets, but not exceeds, our town zoning and NYS Town Law.

A handwritten signature in cursive script, appearing to read "Francis Kucharik".

Francis Kucharik

FACTS

- A PRIVATE WATER COMPANY'S ONLY SOURCE OF MONEY, NORMALLY, IS FROM ITS CUSTOMERS.
- THE ONLY EXCEPTION OCCURS WHEN A BUILDER WANTS TO HAVE A NEW PROJECT SERVED BY THE WATER COMPANY.

IN THIS CASE, THE BUILDER SUPPLIES, NOT ONLY, ALL OF THE MONEY TO UPGRADE THE SYSTEM BUT MONEY FOR IMPROVEMENTS THAT CUSTOMERS WOULD OTHERWISE HAVE TO PAY FOR NOW OR IN THE FUTURE

THE DEVELOPER OF LANDING WOODS HAS ALREADY PUT TENS OF THOUSANDS OF DOLLARS INTO INCREASING SOURCE CAPACITY.

BY THE RULES OF THE GOVERNING AGENCIES, THE WATER COMPANY MUST DEMONSTRATE A SOURCE CAPACITY THAT IS FAR GREATER THAN THAT REQUIRED TO SERVE THE **PRESENT CUSTOMERS PLUS THE NEW CUSTOMERS.** THIS ACTUALLY **DECREASES** THE RISK OF HAVING TO HAVE WATER HAULED-IN IF WE HAVE A SEVERE AND EXTENDED DROUGHT.

- MOST OF A WATER COMPANY'S EXPENSE IS "CAPITAL EXPENSE". THAT IS A "FIXED" EXPENSE WHICH EXISTS REGARDLESS OF THE AMOUNT OF WATER SOLD. THE CAPITAL EXPENSE COMPONENT IS ESSENTIALLY DIVIDED OVER THE NUMBER OF CUSTOMERS.

THEREFORE, THE MORE CUSTOMERS THAT A COMPANY HAS, THE LOWER THE RATES WILL TEND TO BE. ADDITIONAL CUSTOMERS WILL NOT INCREASE THE RATES BUT WILL TEND TO KEEP THEM LOWER THAN THEY WOULD BE WITHOUT THE NEW CUSTOMERS

October 16, 2006

Good evening.

Supervisor Woerner;
Members of the Town Board;

First, I would like to commend Supervisor Woerner and the Board for their efforts in helping to make the Town an attractive place to live. The Hudson Valley is a naturally beautiful, and it is through the efforts of leaders like you that the beauty is promoted and preserved for all of the residents to enjoy. Your initiatives and intentions are appreciated.

Regarding the proposed Landing Woods project, on September 15, 2006, I provided written comments expressing concerns of the effect of this project on neighboring properties. My comments tonight supplement those and are being provided along with photos related to some of those concerns.

Surface Water Drainage

The first of my concerns pertains to surface water. As I mentioned in my comments last month, the drainage from the wetland area nearest Route 32 runs through Deer Run and has historically been problematic if not disastrous. As the attached photos show, that stream often has trouble handling the flow of water. The stream is supposed to run under my driveway, but at times due to the volume of water has run over it. As the Highway Department and my photos can attest, there has been significant time and money invested to fix the damage caused by the volume of surface water running through the stream around my property. The inability of the stream and culverts in Deer Run to handle the volume of water coming from this project site has washed away my driveway several times in the 6+ years I've lived here. The photos show the water running over and washing out my driveway. The most recent photos dated in July 2006 show the water on the verge of running over the driveway again.

Obviously, the stream has trouble handling the flow of surface water now. My concern is that disturbance of the wetland and surrounding area will have a negative impact on this surface water drainage resulting in damage to properties. I suspect that disturbance of the wetland areas and/or areas surrounding may cause significant problems with the stream, adversely affecting neighboring properties in the Deer Run development.

If this project is to receive permission from the Board to proceed, is the Board prepared to provide assurance that there will be no negative effects of this project on the surface water drainage. If the Board cannot provide any such assurance, is there a remedial plan in the event disturbance of the wetlands and surrounding properties causes damage to neighboring properties due to the overflow of surface water?

Pedestrian Walkway

The developer has proposed constructing a pedestrian walkway through the woods from the Landing Woods development to Deer Run Road. My concerns regarding this proposal are as follows:


- promoting pedestrian traffic near the wetland area that is meant to be left undisturbed will only result in disturbance of the wetland area. Curious pedestrians will undoubtedly wander off the trail. Wouldn't it make better sense to keep the walkway away from the wetland area?
- promoting pedestrian traffic near the area of historic significance that is meant to be left undisturbed will only result in disturbance of that area. Curious pedestrians will undoubtedly wander off the trail.
- Promoting traffic through wooded areas will encourage children to congregate, leading to unwanted results. Those old home foundations in the "area of historical significance" will be very inviting to kids looking for a place to hang out. A walkway nearby provides easy access and almost guarantees this expected result.
- Who is responsible for the maintenance of such a walkway? Who is liable for injuries that will occur? Is this built into the plan?
- In today's age with such a concern for safety, it seems does not seem sensible for a walkway through the woods.
- The currently planned pedestrian connection would have to cross the stream discussed above to connect to Deer Run Road, which could cause additional problems. Can it be assured that the pedestrian walkway will safely cross the stream and not cause adverse impacts on already strained surface water drainage situation?
- The currently planned pedestrian connection would border closely to private property, promoting trespassing. Does the plan include ways to prevent this from being a problem?
- If a connection to Deer Run is necessary, and I have yet to find a Deer Run resident who agrees, wouldn't it make better sense to stay away from the area of historical significance, to stay away from most of the wetland, to stay away from a potentially unsafe wooded trail? A shorter connection to the end of Alder Court would be less intrusive on personal property, safer and far away from wetlands and the area of historical significance. A sidewalk next to a roadway would make better sense such as along Route 32. This would be better for public safety and less inviting to kids looking for cause damage to public or private property, or bodily harm.

I'm sure the Board has considered some of these points already, but I submit that there are extremely too many arguments ***against*** putting a 1000 foot pedestrian walkway through wooded areas near wetlands and historical areas for it to make sense. That walkway should be removed from the plans.

Water Supply

Water supply from Kingsvale Water Company has experienced shortages in recent years before many of the homes were constructed in Deer Run. I recognize that Kingsvale has been notified and is willing to accommodate the development, but if there isn't already, there should be a specific plan in place detailing its ability to serve before Board approval. A complete study indicating the ability of Kingsvale to serve the area is necessary so that residents are not left without water due to undercapacity.

I appreciate Supervisor Woerner and the Board's willingness to listen to my concerns. I hope they are acted upon in everyone's best interests, including the neighboring residents'.



Edward G. Ortlieb
24 Deer Run Road

























Mr. Nick Woerner, Supervisor
Town of Ulster Town Board
1 Town Hall Drive
Lake Katrine, New York, 12449

Re: Teicher Organization, Proposed Landing Woods Residential Development
Rt 32, Town of Ulster

Dear Supervisor Woerner

The Chazen Companies have responded to you and the Town Board regarding the Landing Woods Development and the letters sent by The Flatbush Neighborhood Coalition and J G Barbour. We have reviewed Chazen's letter and submit that while the Chazen Companies have provided certain information, they have not answered any of the questions regarding the issues raised in our original letter.
For example:

1. The questions posed regarding the possibility of additional wetlands has not been answered. No doubt that the wetlands delineated so far have been done using ACOE methods and standards. However, there is still reason to call for a delineation verification by a third party (representing only the interests of the Town) to clear up the lingering questions. Onsite soils, the memo from N. Quenzer, the letter from J.G. Barbour and the presence of the wet clay meadow all suggest that additional wetlands may be present onsite. It is up to the Town to resolve this issue by calling for verification- this is a fairly standard simple practice. Anyone, even the best delineator, can miss a wetland area on a site of this size. Some of these wetland types are more difficult to identify in the field, requiring a more comprehensive field review. In addition, the COE 1987 Wetland Delineation Manual provides specific guidance for delineating wetlands on previously disturbed sites(including those which have been mowed or cleared). The wet clay meadows onsite are wetlands, but it is not clear from the information currently provided by the applicant that they have all been mapped as wetlands. Indeed, the Chazen letter states(under #1 JG Barbour comments) "This community type while being cited by Hudsonia as significant in an ecological context, has no regulatory protection unless it falls within the jurisdictional boundary of a Federal or State wetland boundary." Well, this habitat type is a wetland. Where is it on the site map? (Figure 4, 1-1 Ecological Communities Map does not include it either.
2. There is a larger issue regarding regulatory protection and environmental protection. In addition to wetland and stormwater regulations, both federal and state, DEQR mandates that the municipality mitigate significant impacts. It also recognizes that NY is a home rule state, and municipalities have a great deal of authority when it comes to calling for alterations to proposed projects for the purpose of protection of local environmental resources-from drainage patterns to species of conservation concern to watershed protection.

Therefore, all of these comments have relevance to the SEQR process, whether or not certain provisions regarding ACOE regulated wetlands and NYS stormwater facilities have been met.

3. Wetland soils. Most of the site is underlain by Rhinebeck soils (Soil Survey of Ulster County). According to this resource Rhinebeck soils are in Hydrologic Group D, with a perched water table 0.5-1.5 below the surface. This may fluctuate seasonally. While the presence of this poorly drained soil type does not guarantee the presence of wetlands and should be field verified, its extent across this site suggests that wetlands are more extensive than the current delineation map indicates. Hydrologic Group D soils: "Soils having a very slow infiltration rate (high runoff potential) when thoroughly wet. These consist chiefly of clay soils that have a high shrink-swell potential, soils that have a permanent high water table, soils that have a claypan or clay layer at or near the surface, and soils that are shallow over nearly impervious material. These soils have a very slow rate of water transmission." These characteristics pose limitations to development on these soils. Then presence of the same soil type on lands adjacent to the north and south boundaries of the subject property certainly imply that these areas should not have been developed so densely (witness the flooding problems throughout the site to the north). Chazen states that the soil test pits were dug in Nov. 2003- Where? In which soil types on the site?
4. Herbicide and Pesticide Use. Discussions re: this issue are relevant to the stormwater pollution prevention, as they are contaminants that can be carried by stormwater flow—in this case into wetlands. These contaminants are not removed from runoff by typical stormwater management facilities. There is no way to guarantee that they will not be used by other than licensed operators. Any area containing lawn or landscaping is a potential area for application of these contaminants. The only way protect wetlands and watercourses from the effects of these and other contaminants (eg road salt) not removed by typical stormwater management facilities is to provide an adequate buffer around these resources: at a minimum of 100 feet for water quality protection purposes. This is well documented in the scientific literature (for example in Conservation Thresholds for Land Use Planners by the Environmental Law Institute) pertaining to watershed protection. Chazen provides information here, but does not answer the question.
5. Plants and animals of conservation concern. Many of these are not threatened or endangered, but are still covered under the SEQR process. There is still no documentation of species of conservation concern—including animals listed as special concern by NYS. This is a valid concern under SEQR. As part of the State Environmental Quality Review process, Parts 1 and 2 of the Environmental Assessment Form (EAF) contain questions pertaining to potential impacts of a project on both protected species (threatened and endangered) and non protected species (EAF part 2). To answer the questions as to whether a project will have significant impacts on these resources, the Planning Board needs a description of habitat types (and their condition) found on or in the vicinity of the site and species (protected and unprotected) that are

associated with those habitats. It also needs a listing of species of conservation concern—which includes NYS special concern animal species. Onsite field observations of these species during wetland delineation are at best incidental. Many species require more intensive field survey work to detect their presence—often during specific times of the year. For example, for birds, a breeding bird survey during May/June is required. For certain amphibians, early spring is the optimum time of year. Field surveys conducted in late September (as documented in the Ecological Communities report—September 26, 2006) will not detect a fraction of the species of birds, amphibians and reptiles that may be using the site. The way to estimate what may be using the site, is to evaluate the habitats (this information can be obtained from Hudsonia, Breeding Bird Atlas data, etc). This method of looking at habitats first is a good predictor of what may be present onsite. The fact that this site has been disturbed, has some invasive species, does not diminish its potential for use by a number of species of conservation concern. Of the habitats listed and mapped in the Ecological Communities report, wet clay meadows are not mapped. “Mowed roadway/pathway” as per Figure 4, 1-1 is not an ecological community. It is very likely that a number of birds, turtles, and amphibians of conservation concern use this site. In light of encroaching development on both sides, where will species go when habitat is gone? This should be discussed in the ecological communities report.

Additional Comments: Because stormwater management activities may have a significant effect on water resources, including wetlands and streams, compliance with the new DEC Phase II Stormwater Management regulations also will affect, and be affected by, the vegetation and soil characteristics of certain habitats, particularly wetlands, ponds, lakes and streams. Compliance with the design guidelines in the NYS Stormwater Management Design Manual does not ensure that the water quality of receiving waters will be protected.

The N.Y.S. Natural Heritage Program (NYNHP) maintains records of known occurrences of rare species and significant natural communities throughout the state. Because most sites have never been surveyed by biologists, however, the presence or absence of rare species or significant communities is unknown. NYNHP issues letters to applicants in response to inquiries regarding the presence of protected species on, or in the vicinity of, a particular site. If no records exist for that site, the letter states:

The absence of records does not necessarily mean that endangered or threatened species do not exist on or adjacent to the site, but rather our files currently do not contain any information on the presence of these species... In most cases, site-specific or comprehensive surveys have not been conducted. For these reasons, we cannot provide a definitive statement on the presence or absence of species. Therefore, this information should not be substituted for on-site surveys that may be required for environmental impact assessment.

Even if a record for a protected species occurs on or near the project site, the NYSNHP letter will state:

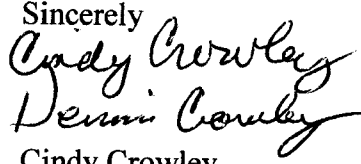
For most sites, comprehensive field surveys have not been conducted: the enclosed report only includes records from our databases. We cannot provide a definitive statement on the presence or absence of all rare or state listed species or significant natural communities. This information should not be substituted for on-site surveys that may be required for environmental impact assessment.

6. As per #5 of Chazen's letter: A jurisdictional determination by the US Army Corps of Engineers should be requested for this property. How can we be sure that less than a tenth of an acres of wetlands will be filled if we are not sure that all wetlands have been accurately mapped? Also, just because the COE is short on staff, is not an excuse to violate the Clean Water Act by cutting back on rigorous wetland delineation and review.
7. As per #6 of Chazen's letter: Does this mean that everywhere vegetation is to be removed on this site, the surface will be paved? What about lawns and landscaping? While the area of disturbance must match the acreage of vegetation removed, the area of impervious cover would be less. So more complete information is required. Chazen has not adequately addressed this question.
8. Pollutant loading calculations are a legitimate requirement for stormwater management, as presented (and confirmed) by DEC personnel at their stormwater management training courses offered to engineers and planners. In light of protecting water quality, towns can require this information. It is relatively simple to prepare. As has already been stated, the following applies. Chazen has not addressed this issue satisfactorily. Many stormwater practices that supposedly adhere to DEC's Stormwater Design Manual are not effectively protecting water resources. It is essential that the pollutant load for both pre- and post- development for individual pollutants (page 2-3 of the DEC Stormwater Management Design Manual) are calculated and presented for review: these include BOS, COD, TSS, TDS, total phosphorus, total nitrogen (including Nitrates/nitrites), lead, copper, zinc, and cadmium. The Simple Method (Scheuler, T. 1987, Controlling Urban Runoff: A Practical Manual for Planning and Designing Urban BMPs. Metropolitan Washington Council of governments, Washington D.C.), or a comparable professionally accepted method, may be used for this purpose; but the same method must be used for all calculations. The results from these calculations are best presented in tabular form so that pre-development pollutant load may be easily compared to post-development load. This will provide information regarding the extent of water quality impacts expected to result from the proposed development. Oil and grease and chlorides (i.e. road salt) are other common constituents of stormwater runoff that should be considered during impact assessment. Please note that road salt cannot be removed by stormwater management practices. A double row of silt fence should be installed around all wetlands onsite to protect wetland and stream water

quality. The project's proximity to the Hudson River, and the fact that drainage from the property is directed into the stream that flows directly into the Hudson, should be good reasons to be especially diligent about protecting receiving waters and preventing stormwater pollution from degrading water quality. In addition, flooding is a real problem for existing subdivisions on either side of the project site. The additional impervious surfaces that are planned for this site will increase stormwater runoff and potentially increase flooding on adjacent sites. Low impact development practices that strive to allow stormwater to sink into the ground are strongly recommended. They may even be less costly than standard engineering practices, as they allow for natural water filtering through the soil. Many articles and other literature documenting specific Low Impact Development practices are available. Chazen needs to address this.

9. Taxes: A tax study needs to be conducted by a third party of the Town's choice. For every tax dollar generated, how much money will be required in services(ALL services, school, roads, police, fire dept, etc) Time after time, in study after study, the cost of services exceeds the tax revenue unless individual homes are expensive enough to offset the rise in costs.
10. As per # 1 under responses to the Barbour letter: Again wet clay meadows are wetlands if they harbor species of conservation concern that is covered under SEQR. Again Chazen provides words but no substantive answer to the question/concern stated by Barbour.

In light of the continuing controversy concerning wetlands, drainage, flooding potential, etc., it is up to the Town to resolve the issue by calling for a third party wetland delineation verification.

Sincerely

Cindy Crowley
Dennis Crowley
&
The Flatbush Neighborhood
Coalition

Cc: Mr. Frank Almquist, Chairman
Town of Ulster Planning Board



HUDSON RIVER SLOOP
CLEARWATER, INC.



October 16, 2006

Honorable Nick Woerner, Supervisor
Town of Ulster
Ulster Town Hall
1 Town Hall Drive
Lake Katrine, NY 12449

Re: Landing Woods Site Plan Application

Dear Supervisor Woerner and Members of the Town of Ulster Town Board,

I am writing on behalf of Hudson River Sloop Clearwater to express several concerns about the proposed Landing Woods site plan. Because of the project's many potential impacts on the environment, we feel that the Town Board should rescind the prematurely issued Condition Negative Declaration determination by the Town Planning Board and require the developer to submit a draft environmental impact statement (DEIS) to comply with the State Environmental Quality Review Act (SEQRA).

SEQRA requires the board to prepare or cause to be prepared, an environmental impact statement on any action, which may have a significant impact on the environment. The basic purpose of SEQR is "to incorporate the consideration of environmental factors into the existing planning, review and decision making processes of state, regional and local government agencies at the earliest possible time. To accomplish this goal, SEQR requires that all agencies determine whether the actions they directly undertake, fund, or approve may have a significant impact on the environment, and, if it is determined that the action may have a significant adverse impact, prepare or request an environmental impact statement."

The Landing Woods proposal will have potential impacts on plant and animal habitats, neighborhood character, traffic, wetlands and stormwater, which are potentially significant and require an EIS to adequately address.

Wetlands: It is critical that reports of wetlands delineations include raw data so that anyone evaluating the delineation can see the basis for the conclusions. In light of soil types, topography and comment from Norbert Quenzer and J.G. Barbour on file with this application, it is possible that the wetlands on this site are more extensive than indicated on the site map. As noted by Shuster Associates in an April 14, 2006 correspondence to the Planning Board, the US Army Corps of Engineers should review the wetlands delineation and provide a jurisdictional determination. In our opinion, at least seven of the proposed structures come too close to the wetlands to afford adequate protection. In addition, a proposed access road from Rt. 32 crosses the wetlands. Further, Shuster has recommended that, "If it is impractical to provide access to the north via Alder Court, a more preferable alternative would be via a street stub which connects to the site from Deer Run Road between the westernmost wetland and the archeological

site." Clearwater disagrees with this recommendation because the archeological site is located between two portions of wetlands and provides some upland habitat for species living in wetlands that may require both for their lifecycle needs. We protect wetlands to assure they are able to provide ecosystem services, including flood prevention and pollution mitigation, as well as intact habitat. Fragmenting an area containing wetlands with road crossings or other intrusions defeats the purpose of protective regulations. The applicant has failed to document any plant or animal species of conservation concern that might be present on this site and therefore might be negatively affected by this project. J.G. Barbour points out the need for an on-site survey by a qualified biologist.

Stormwater Management: If a proposed development will disturb five or more acres, the preparation of a full Stormwater Management Pollution Prevention Plan is required, including both water quality and quantity control components. This is especially important for properties that contain both wetlands and steep slopes.

It is essential that the pollutant load for both pre- and post-development phases of the project are calculated for all the potential pollutants and presented for review: these include BOD, COD, TSS, TDS, total phosphorus, total nitrogen (including nitrates/nitrites), lead, copper, zinc, and cadmium using the Simple Method (scheduler, T 1987 Controlling Urban Runoff: A Practical Manual for Planning and Designing Urban Best Management Practices, Metropolitan Washington Council of Governments, Washington D.C.), or a comparable professionally accepted method, may be used for this purpose; and the same method be used for all calculations. The results from these calculations are best presented in tabular form so that pre-development pollutant load may be easily compared to post-development load. This will provide information regarding the extent of water quality impacts expected to result from the proposed development. Oil and grease and chlorides (i.e. road salt) are common constituents of stormwater runoff that should also be considered during impact assessment. The proximity of this project to the Hudson River and the fact that drainage from the property will be directed into a stream known as the Green Kill, which flows directly into the Hudson, underscore the need to prevent stormwater pollution from degrading water quality. This is especially true because the Lower Hudson River Drainage Basin is listed on the Federal 303(d) list of Individual Waterbody Segments with Impairments Requiring TMDL Development.

Herbicide and Pesticide Use: It is highly likely that homeowners will use these products for landscaping and lawn care. Because the property is adjacent to wetlands, and residential use of these substances can be a significant cause of non-point source pollution, this should be acknowledged in assessing environmental impacts.

Area of Disturbance/Impervious Cover: The acreage total for the area of disturbance listed in the EAF is 7.18 acres; the same number is used for the extent of impervious cover. The area of disturbance should include any area on which heavy equipment will move or be stored, as well as all areas where the existing vegetation will be removed. The extent of impervious cover should include all the buildings, sidewalks, driveways, roads and any other installed surfaces. We believe that it may be excessive to put 130 units on 7.18 acres. It will take a full EIS to assess this.

Taxes: Area residents have expressed concerns that this project will cost more to the tax base than the revenues it will provide. Indeed, many studies indicate that for every tax dollar generated by new residential development, more than a dollar's worth of services are required (police, fire, emergency, road maintenance, schools, sewer), resulting in a net cost to taxpayers.

Schools: Area residents have also expressed concerns that this project will result in more children attending local schools than the developer has indicated, especially given that these 130 units are proposed as multi-family dwellings with two or three bedrooms. In light of the recent redistricting of the students in this area, the Kingston and Saugerties School Districts should be consulted in the planning process.

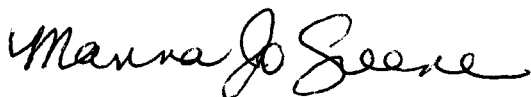
Traffic: We believe the traffic impacts may be greater than the developer is currently acknowledging.

Archeological Resources: The proposed stockade fence around the area that contains historic and archeological artifacts would further fragment habitat and provide unsightly visual impediments. An alternative plan for their protection should be developed.

In conclusion, the Landing Woods project has too many potential environmental impacts to be allowed a Conditional Negative Declaration. The Town Board, the Planning Board, and public deserve the benefit of full disclosure, which a full and conscientiously prepared environmental impact statement would provide. It is clear that area neighbors support sustainable development of this parcel, but are intent on minimizing negative impacts. We trust your decision will encourage a process that will promote the best possible development for human habitation, while protecting natural, archeological and historic resources.

Thanks you very much for your consideration of these comments. Please consider Hudson River Sloop Clearwater an interested party for further communications or action on this project.

Sincerely,



Manna Jo Greene, Environmental Director
Hudson River Sloop Clearwater
845-454-7673 x 113
mannajo@clearwater.org

cc: Frank Almquist, Chairman, Town of Ulster Planning Board